

WAKE COUNTY

IN THE GENERAL COURTS OF JUSTICE 7011 MAY 19 PSUPERIOR COURT DIVISION

NORTH CAROLINA

	WASE COUNTY, C.S.C.	11 0 1 5
THE NORTH CAROLINA STATE) È BAR,)	
v.	,	NSENT ORDER OF IMINARY INJUNCTION

WILLIAM S. BRITT, ATTORNEY, RESPONDENT.

THIS MATTER came on to be heard and was heard by the undersigned Judge of Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by Leanor Bailey Hodge. Respondent, William S. Britt was represented by Alan M. Schneider. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, William S. Britt ("Britt"), was licensed to practice law in North Carolina on 28 March 1981.
- 2. As of the date of this petition, Britt's last known address of record on file with the North Carolina State Bar is 106 W. Fifth Street, Lumberton, North Carolina 28358.
- 3. The State Bar's preliminary investigation indicates that Britt has mishandled funds that were delivered to him in trust for the benefit of a client.
 - 4. Britt desires to cooperate with the State Bar.
- 5. A need for prompt action exists to ensure that entrusted funds are not mishandled in the future.

Based upon the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Britt's trust accounts and to ensure that further client funds are not mishandled.

- 2. Britt should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against any account in which client or fiduciary funds have been deposited, and from directing or permitting any employee or agent over whom Britt exercises control to withdraw funds from and/or draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this Court.
- 3. To assist the State Bar's analysis of his trust accounts, Britt should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited.

THEREFORE, IT IS HEREBY ORDERED:

- 1. William S. Britt is enjoined from accepting or receiving any funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited, and from directing or permitting any employee or agent over whom Britt exercises control to withdraw funds from and/or to draw any checks on or otherwise disburse or withdraw funds from any account in which client or fiduciary funds have been deposited, until and unless expressly permitted to do so by subsequent orders of this Court.
- 2. Britt or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall immediately produce to the North Carolina State Bar for inspection and copying all of Britt's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledgers, check stubs, debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.
- 3. Britt or any other person having custody or control over records relating to persons or entities for which he has provided legal services shall produce to the North Carolina State Bar for inspection and copying all records and documents relating to each such person or entity including but not limited to client files, billing statements, memoranda and receipts. Documents relating to current clients shall be produced within 24 hours of demand by the State Bar. Documents relating to closed client files shall be produced within 3 days of demand by the State Bar.
- 4. If Britt does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Revised Rules of Professional Conduct, he shall direct the bank(s) where his bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at Britt's expense.

- 5. Britt shall not serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact, until and unless he is permitted to do so by further order of this Court.
- 6. This Consent Order of Preliminary Injunction shall remain in effect until further order of this Court.

THIS the 19 day of May, 2011

Superior Court Judge Presiding

WE CONSENT:

Leanor Bailey Hodge

Attorney for Petitioner

The North Carolina State Bar

Alan M. Schneider

Attorney for Respondent

William S. Britt

William S. Britt